

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 12-16, 18 and 20-24) is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner objected to the specification under 35 U.S.C. § 112 because of the inconsistent terminology used with regard to bearing surface 36 and flutes 45. Applicant has amended the specification where indicated by the Examiner to make the language consistent.

The Examiner objected to claim 12 because it indicated that a reamer bushing was mounted in a fixture aligned with the bone canal. The Examiner considered that the bone canal was positively recited in the preamble as part of a human body. Applicant has amended the claim to make it clear that the fixture is adapted for being aligned with the bone canal. Since claim 12 now requires the fixture to be alignable with the bone canal it is believed that the rejection under 35 U.S.C. § 101 has been overcome.

The Examiner then went on to reject claims 13-16 and 24 for the various informalities listed at the bottom of page 3 and the top of page 4 of the Official Action. Applicant has amended the claims to overcome these rejections under 35 U.S.C. § 112.

The Examiner rejected claims 12-16, 18 and 20-22 as being anticipated by Cenis, U.S. Patent No. 3,981,604 and U.S. Patent Publication 2003/0163151 to Ball et al. These two references show non-rotating elements having grooved inner surfaces. The '604 patent shows a liner bushing 21. The initial paragraph of the '604 patent describes a liner bushing as being made from hard material which is then used to line an aperture in a softer material tooling plate or the like. The liner may be press-fitted into the aperture or held in the tooling plate by potting in a resinous material. Applicant has amended claim 12 of the present application to indicate that his bushing comprises a body with an outer bearing surface for rotatably engaging a surface of the fixture in which the bushing is mounted. This clearly distinguishes over Cenis which has no outer bearing surface for rotatably engaging a fixture. Furthermore, Applicant has amended the body of the claim to positively recite that the plurality of flutes are part of a bone reamer. This further distinguishes from Cenis which is directed to a machine tool not used in orthopedics. Consequently, Applicant considers claim 12, as amended, is not anticipated by or obvious over Cenis.

With regard to Ball et al., again there is no bushing disclosed having a body with an outer bearing surface for rotatably engaging a fixture in which the bushing is mounted. The actuator 30 moved only axially within housing cavity 24 and, as described in the top of Column 5, when actuator 30 is moved within housing 20, the cam members 42 engage the internal grooves 34 of actuator 30 which causes cutting member 40 to rotate. There is no rotation of actuator 30 or housing 20. There is no relative rotation between the housing 20 and any fixture as claimed in amended claim 12.

The Examiner then went on to reject claims 23 and 24 as being obvious over Cenis. In addition to the arguments made above with regard to the anticipation rejection over Cenis, Applicant does not believe one of ordinary skill in the bone canal preparation instrumentation art would look into the machine tool art directed to a slotted bushing where the slots have edges for scraping the accumulated corrosion of off pins and other tools inserted therein or to reduce friction between the liner bushing and the slip renewable bushing. The design of the present invention allows the use of a plurality of different sized bone reamers with a single bushing. Bone reamers of incrementally increasing size are necessary when progressively enlarging a bone canal.

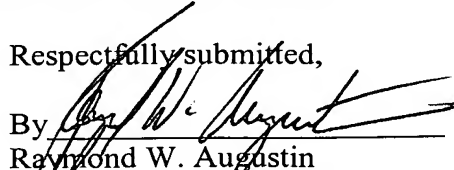
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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